IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION
CASE NO.: 1:14-CV-00068

YOLANDA R. MOORE,	)
	)
Plaintiff,	)
	)
vs.	)
	)
LABORATORY CORPORATION OF AMERICA,	)
	)
	)
Defendant.	)
	)

ANSWER

Defendant Laboratory Corporation of America ("LabCorp"), by and through undersigned counsel, answers Plaintiff's Complaint as follows.

FIRST DEFENSE

As its first defense, LabCorp denies each allegation of the Complaint not hereinafter specifically admitted, including but not limited to all allegations contained in any headings and prayers for relief. LabCorp further responds as follows to each separate numbered paragraph of the Complaint.

I. PARTIES

1. LabCorp admits the allegations of Paragraph 1 of the Complaint upon information and belief.

2. LabCorp admits the allegations of Paragraph 2 of the Complaint.

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3. LabCorp admits that LabCorp and its affiliated companies employ approximately 34,000 employees worldwide. Except as expressly admitted herein, LabCorp denies the allegations of Paragraph 3 of the Complaint.

II. JURISDICTION AND VENUE

4. LabCorp does not contest subject matter jurisdiction. To the extent that any further response is required, the allegations contained in Paragraph 4 of the Complaint set forth legal conclusions to which no response is required and none is given.

5. LabCorp does not contest personal jurisdiction. To the extent that any further response is required, the allegations contained in Paragraph 5 of the Complaint set forth legal conclusions to which no response is required and none is given.

6. LabCorp admits that Plaintiff purports to bring this action based in part on certain conduct Plaintiff alleges occurred within Research Triangle Park and/or Wake County, North Carolina, where LabCorp does business and maintains offices. Except as expressly admitted herein, LabCorp denies the allegations of Paragraph 6 of the Complaint.

7. LabCorp does not contest venue. To the extent that any further response is required, the allegations contained in Paragraph 7 of the Complaint set forth legal conclusions to which no response is required and none is given.

III. FACTS

8. LabCorp admits that Plaintiff was hired by CompuChem Laboratories, which subsequently became part of LabCorp, in or around March 1990. LabCorp admits that Plaintiff is an African American female. Except as expressly admitted herein, LabCorp denies the allegations of Paragraph 8 of the Complaint.

9. LabCorp admits that Plaintiff held various positions with LabCorp and its predecessor companies. At the time of Plaintiff's termination, Plaintiff held the position of Clinical Trials Monitor. Except as expressly admitted herein, LabCorp denies the allegations of Paragraph 9 of the Complaint.

10. LabCorp admits that Plaintiff, Holly Wade, Associate Director, Operations for LabCorp, and Charlene Okoye, Senior PM / Team Leader for LabCorp, met on January 11, 2013, with Gail Ollio, Senior Human Resources Consultant, participating in such meeting by telephone. Except as expressly admitted herein, LabCorp denies the allegations of Paragraph 10 of the Complaint.

11. LabCorp admits that during the meeting described in Paragraph 10 of the Complaint, Plaintiff was informed that her employment with LabCorp was terminated due to policy violations. Except as expressly admitted herein, LabCorp denies the allegations of Paragraph 11 of the Complaint.

12. LabCorp admits that Plaintiff was subject to LabCorp's attendance policy at the time of Plaintiff's termination of employment. The attendance policy speaks for itself as to its terms, and LabCorp denies any allegations at variance with the text of the attendance policy. Except as expressly admitted herein, LabCorp denies the allegations of Paragraph 12 of the Complaint.

13. LabCorp denies the allegations of Paragraph 13 of the Complaint.

14. LabCorp denies the allegations of Paragraph 14 of the Complaint.

15. LabCorp admits that Alicia Johnson-Maynard, a Project Manager for LabCorp, had some unscheduled absences near the time of Plaintiff's termination of employment. LabCorp expressly denies that any differences between disciplinary actions taken against Alicia

Johnson-Maynard and Plaintiff were based in any part on race. Except as expressly admitted herein, LabCorp denies the allegations of Paragraph 15 of the Complaint.

16. LabCorp admits the allegations of Paragraph 16 of the Complaint upon information and belief.

17. LabCorp denies the allegations of Paragraph 17 of the Complaint.

18. LabCorp denies the allegations of Paragraph 18 of the Complaint.

IV. CLAIMS FOR RELIEF

FIRST CLAIM OF RELIEF: VIOLATION OF 42 U.S.C. § 1981

19. LabCorp incorporates by reference herein its responses to Paragraphs 1-18 of the Complaint as if fully set forth herein.

20. LabCorp denies the allegations of Paragraph 20 of the Complaint.

21. LabCorp denies the allegations of Paragraph 21 of the Complaint.

22. LabCorp denies the allegations of Paragraph 22 of the Complaint.

23. LabCorp denies that it engaged in any action resulting in LabCorp becoming liable to Plaintiff for any alleged lost wages, lost employment benefits, pain and suffering, medical expenses, and the loss of status and reputation. To the extent that any further response is required, LabCorp denies the allegations of Paragraph 23 of the Complaint.

24. LabCorp denies that it engaged in any action resulting in LabCorp becoming liable to Plaintiff for any damages. To the extent that any further response is required, LabCorp denies the allegations of Paragraph 24 of the Complaint.

25. LabCorp denies the allegations of Paragraph 25 of the Complaint.

SECOND CLAIM FOR RELIEF: WRONGFUL DISCHARGE

26. LabCorp incorporates by reference herein its responses to Paragraphs 1-25 of the Complaint as if fully set forth herein.

27. The allegations contained in Paragraph 27 of the Complaint set forth legal conclusions to which no response is required and none is given.

28. LabCorp denies the allegations of Paragraph 28 of the Complaint.

29. LabCorp denies that it engaged in any action resulting in LabCorp becoming liable to Plaintiff for any alleged lost wages, lost employment benefits, pain and suffering, and loss of status and reputation. To the extent that any further response is required, LabCorp denies the allegations of Paragraph 29 of the Complaint.

30. LabCorp denies the allegations of Paragraph 30 of the Complaint.

31. LabCorp denies the allegations of Paragraph 31 of the Complaint.

By way of further answer, and reserving the right to rely upon such other and further affirmative defenses as may be supported by the facts to be determined through discovery in this matter, LabCorp responds as follows:

SECOND DEFENSE

Plaintiff's Complaint fails, in whole or in part, to state a claim upon which relief can be granted and should therefore be dismissed pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.

THIRD DEFENSE

LabCorp at all times acted in good faith and treated Plaintiff in a legitimate, non-discriminatory, non-retaliatory manner, without violation of any applicable law, rule, or regulation.

FOURTH DEFENSE

Plaintiff's employment with LabCorp was terminated for legitimate, non-discriminatory, non-retaliatory reasons.

FIFTH DEFENSE

Even if a prohibited motivating factor were present, which LabCorp denies, any and all alleged adverse employment actions would have nonetheless been made even in its absence, and as such, Plaintiff has no right to damages or other relief.

SIXTH DEFENSE

Some or all of Plaintiff's claims are barred by waiver, estoppel and/or her own misconduct.

SEVENTH DEFENSE

Some or all of Plaintiff's claims are barred, in whole or in part, by the doctrine of laches and/or unclean hands.

EIGHTH DEFENSE

Subject to a reasonable opportunity to conduct discovery, Plaintiff had the opportunity and means to mitigate her alleged damages, but failed to do so in an appropriate and reasonable manner. As such, Plaintiff's claims are barred or limited accordingly.

NINTH DEFENSE

Subject to a reasonable opportunity to conduct discovery, Plaintiff's claims are barred to the extent they involve transactions or events that are outside the applicable statute(s) of limitations.

PRAYER FOR RELIEF

WHEREFORE, LabCorp prays to the Court as follows:

1. That Plaintiff have and recover nothing of it.

2. That it be awarded its costs incurred in this action, including reasonable attorneys' fees as allowed by law; and

3. For such other and further relief as the Court may deem just and proper.

Respectfully submitted, this the 24th day of February, 2014.

/s/ David C. Lindsay
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CERTIFICATE OF SERVICE

I hereby certify that on February 24th, 2014, a copy of the foregoing **ANSWER** was filed electronically. Notice of this filing will be sent by operation of the Court's CM/ECF system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. Mail. Parties may access this filing through the Court's system.

/s/ Douglas W. Britt
K&L Gates LLP

Counsel for Defendant